

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS**

BENEFIT AMERICA, LLC

PLAINTIFF

v.

CASE NO. 4:14-CV-0446-KGB

UNIVERSAL FIDELITY LIFE INSURANCE CO.

DEFENDANT

MOTION TO CONFIRM ARBITRATION AWARD

COMES NOW the defendant Universal Fidelity Life Insurance Co. ("UFL"), by and through its attorneys, Lax, Vaughan, Fortson, Rowe & Threet, P.A., and for its motion to confirm arbitration award, states as follows:

1. Plaintiff, Benefit America, LLC ("Benefit America"), filed its complaint initiating this action on June 27, 2014 in the Circuit Court of Pulaski County, Arkansas (Case No. 60CV-14-2479). The action was subsequently removed by UFL to the United States District Court for the Eastern District of Arkansas.

2. The parties subsequently agreed by stipulation to the arbitration of all claims in this action. On September 9, 2014, the Court entered an Order directing arbitration of all claims in this action to be administered by the America Arbitration Association, as provided in Section J, paragraph six of the Master General Broker Agreement attached to the pleadings. In its Order, the Court stayed this case and all proceedings in this action pending the conclusion of the arbitration proceedings and provided that, upon conclusion of the arbitration proceedings, "[e]ither party may apply to this Court for an order confirming arbitration award."

3. The parties mutually agreed that arbitrator Robert C. Margo ("Mr. Margo") of Robert C. Margo, PLLC would serve as the single arbitrator for this matter.

4. On May 27, 28, and 29, 2015, this matter came on for hearing before Mr. Margo. After time allowed by Mr. Margo for submission of additional authorities, the hearing was closed on or about June 11, 2015.

5. On June 24, 2015, Mr. Margo entered an award (the "Arbitration Award"), which provided as follows:

In favor of Respondent, Universal Fidelity Life Insurance Co., and against Claimants, Benefit America, LLC, and Benamcon, LLC, on all claims presented; and,

The Administrative fees and expenses of the American Arbitration Association totaling \$4,050.00 are to be borne equally. The compensation and expenses of the Arbitrator totaling \$21,665.00 are to be borne equally. Therefore, Universal Fidelity Life Insurance Co., shall pay Benefit America, L.L.C., the amount of \$2,025.00.

The attorneys' fees and costs of the parties shall be borne by the parties in accordance with their own individual agreements.

See Arbitration Award, attached hereto as Exhibit "A" and incorporated herein by reference.

7. In accordance with the Arbitration Award, UFL reimbursed Benefit America in the amount of \$2,025.00 for one-half of the initial administrative fees required by the American Arbitration Association, and the parties subsequently filed a Joint Notice of Conclusion of Arbitration with this Court on July 17, 2015.

8. Pursuant to the Order directing arbitration of this matter, UFL now moves for entry of an Order confirming the Arbitration Award. Entry of such an Order is warranted by section 9 of the Federal Arbitration Act, which provides that "at any time within one year after the [arbitration] award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and thereupon the court must grant such an order unless the award is vacated, modified or corrected as prescribed in sections 10 and 11 of this title." 9 U.S.C. § 9.

WHEREFORE, defendant Universal Fidelity Life Insurance Co., Inc. respectfully moves the Court to confirm the Arbitration Award dated June 24, 2015, in Case No. 01-14-0001-4415; to dismiss, with prejudice, all claims alleged by Benefit America in this action; and for all other just and proper relief to which it may be entitled.

Respectfully submitted,

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By: /s/ Roger D. Rowe
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Attorneys for Defendant

CERTIFICATE OF SERVICE

A copy of the foregoing was electronically filed on this 25th day of August 2015, and served on the following interested party by placing a copy of same in the U. S. Mail, with first class postage affixed thereon, and addressed to:

Ashlea Brown
Joel F. Hoover
Newland & Associates, PLLC
2228 Cottondale Lane, Ste. 200
Little Rock, AR 72202

/s/ Roger D. Rowe
Roger D. Rowe